

**DRAFT MEETING MINUTES  
CITY OF MILPITAS**

**Minutes of:** Regular Meeting of Milpitas City Council  
**Date:** Tuesday, August 1, 2006  
**Time:** 6:00 PM (Closed Session)  
7:00 PM (Public Business)  
**Location:** Council Chambers, Milpitas City Hall,  
455 East Calaveras Blvd.

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**ROLL CALL**

Mayor Esteves called the meeting to order at 6:02 PM.

**PRESENT:** Mayor Esteves, Vice Mayor Gomez, Councilmembers Giordano, Livengood and Polanski. Ms. Giordano arrived at 6:04, and Mr. Livengood arrived after that.

**ABSENT:** None

**CLOSED SESSION**

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following issues:

**1) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION**

- City of Milpitas v. Turner Construction et al., Santa Clara County Superior Court  
Case No. 103CV815946 Consolidated with Case No. 103CV008400
- Redevelopment Agency of the City of Milpitas v. Winsor et al.  
Santa Clara County Superior Court Case Nos. 105CV043954 and 105CV043966

**2) CONFERENCE WITH LABOR NEGOTIATORS - COLLECTIVE BARGAINING**

City Negotiator: Carmen Valdez, Art Hartinger. Employee Organizations: Laborers' International Union of North America (LIUNA) and International Association of Fire Fighters (IAFF). Under Negotiation: Wages, Hours, Benefits, and Working Conditions

The City Council reconvened in Open Session at 7:04 PM with Mayor Esteves presiding and all City Councilmembers present.

**CLOSED SESSION  
ANNOUNCEMENT**

None

**PLEDGE**

Boy Scouts Troop No. 92 Color Guard led the Pledge of Allegiance

**INVOCATION**

Invocation was offered by the Venerable Grand Master Chen Yi of the Avatamsaka Buddhist Lotus Temple in Milpitas.

**MINUTES**

**MOTION:** approve minutes of June 20, 2006 City Council meetings, as submitted.

Motion/Second: Vice Mayor Gomez/Councilmember Livengood

Motion carried by a vote of: AYES: 5  
NOES: 0

**SCHEDULE OF MEETINGS**

**MOTION:** to approve the Schedule of Meetings, as submitted

Motion/Second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## **PRESENTATION**

No certificates were presented as Commissioners were not present. Two Certificates of Appreciation and one Certificate of Appointment would be mailed to the recipients.

## **PUBLIC FORUM**

**Linda Rabe**, Arts Commissioner complimented others for their efforts at the American Relay for Life fundraising event in June, especially the Arts Commissioners who had a participating team.

**Rob Means**, 1421 Yellowstone, asked about the issue of the medical marijuana moratorium issue. He asked if there was any progress on how Milpitas was progressing on this topic, while the two year moratorium runs its course. His opinion was that approximately 60 individuals in Milpitas would avail themselves of services, if available.

**Madan Arora**, property owner on Uridias Ranch Rd., located in the City of Milpitas sphere of influence. He was speaking for neighbors too. A current proposal would move these properties into the County sphere of influence (out of the City's), via a LAFCO public hearing. Property owners rights would be affected, he felt. Milpitas hard-fought hillside protections might be lost, when properties were placed into county jurisdiction. He was concerned for invading of privacy. Move more slowly before changing all properties into county was the proper course. Mr. Arora requested the City Council place this for discussion at an upcoming public meeting and provide notice to all property owners affected by this process.

In response, Councilmember Livengood requested a written response from Planning Department staff on the ramifications for changes in the Urban Service Area boundary (based on Measure Z), as the speaker discussed. The critical implications for the change to be discussed at LAFCO next week must be identified for the City Council's full understanding of the comments made this evening. Council could later agendaize any issue that needed further discussion. The City Manager responded to that request positively.

**Frank DeSmidt**, Milpitas Chamber of Commerce, invited all to attend the next membership mixer on Thursday, August 10, at 5:30 PM at the new Heritage of India on Main St. at Serra Way.

**Phil Donno**, a property owner affected by the boundary conditions of the Urban Service Area boundaries, asked for clarification of August 9<sup>th</sup> LAFCO meeting and whether the City Council would request a delay or not. Mayor Esteves responded he was not sure the City could delay that separate process, but staff would reply in writing to the City Council.

Mr. Livengood responded that the City may be able to inform LAFCO that Council asked for a report from the Planning staff. The topic was not on the agenda tonight, and could not discuss it.

Mr. Donno wanted a postponement in the review, and the of the LAFCO hearing. City Attorney Steve Mattas explained that the Urban Service Area boundary before LAFCO was on the agenda due to the City's ballot measure in past; it was on the LAFCO agenda next week. The written report will be given to Council quickly. Then, LAFCO may delay or not.

**Noel Bilawala**, of Monte Sereno, and local property owner, mentioned this subject was going to be on an agenda but then was pulled off an agenda. Item was then pulled off the agenda (it was unclear which meeting the speaker referred to).

Councilmember Livengood clarified what he was seeking in the report from City Planning staff.

**Gaye Morando**, Chamber of Commerce, announced "Celebrate Milpitas" festival on August 19 and 20, to bring the entire community together with ethnic food, dance, and music combined with technology in the City, on Milpitas Blvd one block south of Calaveras. Check website [www.milpitaschamber.com](http://www.milpitaschamber.com) or call the Chamber office at (408) 262-2613.

## ANNOUNCEMENTS

**City Manager Charles Lawson** announced the selection and appointment of Captain Dennis Graham as the new Police Chief. Mr. Lawson presented the Chief's badge and cap shield to Mr. Graham, who introduced his parents, wife and children, and thanked many in Milpitas for the great opportunity.

**Councilmember Giordano** responded to a Milpitas Post article, about the 150 acre fire that occurred the previous week. She congratulated her new son-in-law Brian Stovall who helped fight the fire, on a Sunol Station California Department of Forestry fire crew, and thanked CDF for the support it gave to Milpitas. Also, the Post missed reporting on the Volunteer Spring Valley Fire Department support and she acknowledged its support on the fire.

**Councilmember Polanski** congratulated City staff for the great July 4<sup>th</sup> festivities, when the fireworks were one of the biggest and best, and she thanked parade participants. She attended the required AB1234 ethics training at the City Hall in Union City, offered by City Attorney staff. Mrs. Polanski announced the Utility Rate Subcommittee on August 8 at 5:30 PM in the Committee Room at City Hall.

"National Night Out" occurred tonight around the country, while in Milpitas, it would be celebrated on Thursday night, with about 27 community members who will hold an event on their block or street. Councilmember Polanski encouraged residents to come out and meet their neighbors.

**Mayor Esteves** welcomed new businesses Office Depot and Dr. Lions Clinic, and thanked Chamber for its support of the businesses. He announced that the Phantom Art Gallery displayed new artist Darlene Kleinke at the Milpitas Community Center. The Mayor also thanked the community for participating on July 4<sup>th</sup> and National Night Out.

## ANNOUNCEMENT OF CONFLICT OF INTEREST

None

## APPROVAL OF AGENDA

Motion: to approve the agenda, as amended. Item No. 19 was removed at staff request, Items No. 5 and No. 7 were moved forward on the agenda, to be heard following the Public Hearings.

Motion/Second: Councilmember Livengood/Councilmember Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

## CONSENT CALENDAR

Motion: to approve the Consent Calendar, as amended. Item No. 5 was taken off consent.

Motion/Second: Vice Mayor Gomez/ Councilmember Livengood

Motion carried by a vote of: AYES: 5  
NOES: 0

### \*3. Odor Control Comprehensive Action Plan

Received the progress report from staff (chart noted in the agenda report).

### \*4. Mayor's Recommendations for Appointments to City Commissions

Made the following appointments, made per the Mayor's recommendation:

#### Arts Commission

Appointed Richard Tsuei to Alternate #1 with a term that expires in October 2006.

Appointed Asiya Hasan Asif to Alternate #2 with a term that expires in October 2007.

#### Parks, Recreation, and Cultural Resources Commission

Re-appointed Frances Krommenhock to a term that expires in June 2009.

Re-appointed Henry Ku to a term that expires in June 2009.

#### Citizens Emergency Preparedness Advisory Commission

Re-appointed Michael Berryhill to a term that expires in June 2009.  
 Re-appointed Tim Howard to a term that expires in June 2009.  
 Appointed William Nolan (current Alt. #1) to a vacant term that expires in June 2009.  
 Appointed Lori Bersabe to Alternate #1 with a term that expires June 2007.  
 Appointed Jaime Odena to Alternate #2 with a term that expires in June 2007.

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| *8. Waiver of Fees for South Bay School of Music Arts Rental of City's Mobile Stage                   | Waived fees as requested by the South Bay School of Music Arts for use of the Mobile Stage at Chamber of Commerce "Celebrate Milpitas" festival on August 19-20, 2006.   |
| *9. Dispose of Two Surplus Vehicles   | Approved the Purchasing Agent to dispose of the following two City vehicles:<br>1987 Ford L8000 Sewer Truck license # 421728, estimated value: \$10,000.<br>1993 Ford F-700 Flatbed Altec truck license # 379024, estimated value: \$12,000    |
| *12. Adopt Ordinance No. 38.768   | Waived the second reading and adopt Ordinance No. 38.768 for Zone Change No. ZC2004-1 for the Calaveras Country Estates Subdivision.   |
| *13. Policy for Wastewater Collection, Treatment and Disposal for Affordable Housing                  | Adopted Resolution No. 7615 regarding the provision of water and wastewater collection, treatment and disposal services to residential units with affordable housing components.   |
| *14. June 6, 2006 Final Election Results  | Adopted Resolution No. 7616 confirming the canvass of returns and declaring the results of the Special Municipal Election held Tuesday, June 6, 2006 (Measure I).  |
| *15. Certifying and Annexing Tract 9690 to Community Facilities District No. 2005-1, Apton Properties | Adopted Resolution No. 7617 certifying and annexing properties to Community Facilities District No. 2005-1.  |
| *16. Allocation of Grant Funding from the MTC – TLC Capital Grant Program                             | Approved Resolution No. 7618 Requesting the Allocation of grant funding from the MTC - TLC Capital Grant Program for the Midtown Transportation & Streetscape Improvements Phase I: N Main Street between Weller Lane and Carlo Street project |
| *17. Disadvantaged Business Enterprise (DBE) Race-Neutral Implementation Agreement                    | Adopted Resolution No. 7619 approving Disadvantaged Business Enterprise Race-Neutral Implementation Agreement, for Federally Funded City Transportation Projects   |
| *18. Final Acceptance Water System Air Relief Valve Modifications, Phase I                            | Adopted Resolution No. 7620 granting final acceptance and release of the bond, for Water System Air Relief Valve Modifications, Phase I, for Project No. 7086.   |
| * 19. Authorize Contract for Disaster Preparedness Services   | Item was removed from the agenda.  |
| *20. Bid for the Public Access Studio   | Awarded the bid for Public Access Television Studio to Ranis Construction & Electric Inc. for the not to exceed amount of \$45,300.  |
| *21. Budget Appropriation for Abel Street Midtown Improvements  | Approved budget appropriation in the amount of \$25,000 from County/ City/ KB Infrastructure fund into Capital Improvement Project No. 8157, Abel Street Midtown Improvements  |
| *22. Budget Appropriation for the So. Park Victoria Drive Pavement Rehabilitation                     | Approved budget appropriation for \$140,000 from the Street Fund into Project No. 4225, South Park Victoria Drive Pavement Rehabilitation.   |
| *23. Authorize Payment to Surety Company  | Authorize disbursement of a check in the amount of \$182,525 to Financial Pacific Insurance Co (the original surety company) as final payment for the project, for Hall  |

- Park Walkway Improvements, Project No. 5058
- \*24. Contract Change Order for the 2006 Slurry Seal, Project No. 4229 and Main/Montague Traffic Signal Modification, Project No. 4231  
Authorized the City Engineer to execute the Contract Change Order for American Asphalt Repair and Resurfacing Co., Inc. in the amount of \$47,000.
- \*25. Contract for the Sewer Deficiency and Structural Correction Program – Open Cut  
Awarded the construction contract to Pacific Undergrounding in the amount of \$624,910, for Project No. 6073.
- \* 26. General Legal, Public Works Litigation, and Personnel Services Expenses  
Authorized budget transfer of \$400,000 from the contingent reserve account to the City Attorney's Department Supplies and Services budget for professional services and issuance of purchase orders to Meyers Nave in the amounts of (1) \$683,000 for general personnel and legal services for fiscal year 2006-2007, (2) \$400,000 for public works litigation expenses and (3) \$105,000 for personnel arbitration, grievance and PERB proceedings.
- \* 27. Renewal of Annual Software Support Fees with Cayenta through June 30, 2007  
Authorize the City Manager to approve the payment of \$89,055.58 for the annual software support and maintenance fee to Cayenta, for financial services software.
- \*28. Advertisement for Bid Proposals for Main/Montague Traffic Signal Modification  
Approved plans and specifications for the project, and Authorized advertising the project for bid proposals, Project No. 4231.
- \*29. Approve Two Payments  
Authorized payment to the following two vendors:
1. \$21,750.00 to Acco Engineered Systems to remove and replace a failed compressor in the Energy Labs AH-1 HVAC system at City Hall
  2. \$51,407.35 to Peterson Power Systems, Inc. to repair the failed engine and radiator at Gibraltar Pump Station, located off S. Milpitas Boulevard.

## **PUBLIC HEARINGS**

### **1. Approve a New Solid Waste Rate Adding a Pilot Commercial Food Waste Program**

Engineer Marilyn Nickel presented the report on the proposed program. Allied Waste was ready to offer a pilot program for food waste collection (recycle it), with no health hazards anticipated. The rates proposed were in the written staff report. The City Council was requested to approve the program.

Mayor Esteves asked questions about any food-related health hazards that might be caused by food being left out for several days. Staff replied there was no anticipated risk due to the containers provided for storage of the food waste.

The Mayor opened public hearing for public comment; none heard.

(1) Motion: to close the public hearing

Motion/second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 5  
NOES: 0

(2) Motion: Adopt Resolution No. 7611 for a new solid waste rate, adding the food waste pilot program

Motion/second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

**2. Resolution Confirming  
Assessments; Weed Abatement  
Report**

Fire Marshal Patricia Joki presented the annual Weed Abatement Report, including the assessment list for weeds abated by the City. Staff recommended adoption of the resolution making the assessments on property owners, for those weeds abated by the City this year. Mr. Mo Kumre from the County of Santa Clara staff was available to answer questions.

Mayor Esteves opened the public hearing for comment.

**Rustan Farsi**, property owner of 10 acres on Country Club Drive on the hillside, complained about the deadline imposed by the County, and the City, for compliance. He expressed the significant effort he made to try to have weeds abated by the March 1 deadline. He was uphappy to have received notification that he was to be assessed more than \$1,000 for this work.

Fire Marshal Joki stated that the March 1, 2006 deadline was the same last year and for recent years. The request of property owners was to abate the weeds before they become a hazard (not grown high). She stated that the date has always been March 1 since she's worked on the program in this City. However, City could adjust it in future years.

Mr. Kumre of the County Fire staff responded further about its program. The deadline date was provided by the City, after the list of properties was given to the City early in the year. County took no action until the deadline - set by the City - had passed. The County sent Mr. Farsi a 15-day notice, the county's contractor performed the work on March 28 on his property, and sometime later in mid-May Mr. Farsi contacted County.

Mayor Esteves asked if the property was hazardous on March 1 if weeds were not cut? Mr. Kumre replied it would be a potential hazard at that point: if not abated, weeds would become too tall and fire dangerous.

Councilmember Giordano wanted to move forward with the list presented, and stick to the regulations. She would consider looking at moving the deadline date in future years.

Councilmember Polanski commented that if the date was to change, to look at a pattern over several years of weather and other conditions, and perhaps send a second notice to property owners. She felt the City – on top of the County's effort – should send a postcard or letter to property owners, about the need to comply and to contact the County if an owner had any issue with compliance.

**Rob Means**, 1421 Yellowstone Drive, inquired whether somebody cut down the weeds before the March 1 deadline, does the property owner have to cut the weeds again if they grow back? County staff replied yes, they do through the end of the fire season.

(1) Motion: to close the public hearing

Motion/second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

(2) Motion: Adopt Resolution No. 7612 confirming the weed abatement assessments for 2006, with a note that the City of Milpitas Fire Marshal shall consider in the future a date other than March 1 - if appropriate - as the deadline date for property owners to comply with weed abatement requirements

Motion/second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

**5. Cultural Arts Support  
Program Applications for FY  
2006-07**

Recreation Services staff Renee Lorentzen presented the Arts Commission's recommendations for funding eight Community Arts Support Program grants, for Council approval.

In the current year's budget, \$15,000 was allocated for CASP grants, with \$11,380 in funding recommended tonight by the Arts Commission. The staff report detailed the process that the Commission went through to arrive at its recommendation (including the fact that two applicants did not comply with criteria and thus were not considered). Additionally, the Filipino American Association of Milpitas was recommended for \$1,500 in funding (higher than original request).

Councilmember Livengood remarked on the Fil-Am funding, that there was something to be said for the longevity of events and recognized that its festival had grown and prospered. He supported the \$1500 grant recommended.

**Speakers:**

**Arts Commissioner Linda Rabe** spoke about the Arts Commission's efforts on CASP grants. GENCO and Calaveras Repertory Theatre did not meet qualifications of the grant program criteria, while all the other applicants did, so the Commission held the organizations to that standard of meeting minimum criteria.

**Mehair Mahal**, spoke for GENCO non-profit organization, stating this was the eighth year doing programs, and he appreciated the past CASP grants awarded. He wanted GENCO's application reconsidered for this year, and suggested a change to electronic format for submission in the future.

**Mr. Amoroso**, a Fil-Am representative, announced that many members of the Association were present at this meeting. His organization requested an increase in the grant for this year, due to the number of people attending the highly successful June festival held each year at the Community Center.

**John Ribovich**, of the Calaveras Repertory Theatre, appealed for CASP funds, explaining that he made a mistake in submitting the grant on time with proper number of copies. He told the City Council that a great deal of time was spent on the theatre program and City support was definitely needed.

**Harriet Maguire**, Arts Commissioner, told the Council it already heard most of what occurred from fellow Commissioner Rabe, did not mean to leave out the two groups, and she simply stated the two groups just did not qualify this time around.

Mayor Esteves thanked the Arts Commission for its efforts in coming up with the recommendations. He supported the \$1500 requested by Fil-Am for its annual Fiesta. He wanted to support cultural groups as much as possible. He certainly had GENCO and supported its requests in the past.

Councilmember Livengood spoke on the groups that did not get reviewed. He felt they need to go back through the process somehow, to the Arts Commission. Also, he wanted the Fil-Am to be on parity with other groups, so maybe \$1,500 was fair. Other groups have to be vetted in the same way all other applicants were by the Arts Commission.

**Motion:** approve the eight CASP grants recommended by the Arts Commission, with one change for the Filipino American Association of Milpitas be allocated \$1,500; that GENCO and Calaveras Repertory Theatre applications be sent back to the Arts Commission for consideration; and, the City's "Arts Day" and the Milpitas Community Band funding needs were referred to the Council's Finance Subcommittee

Councilmember Polanski concurred with the motion, she announced. Usually all organizations when they come to the City for grants, funding from other sources was

typically sought. She agreed that the two groups applications that were not reviewed should go back to the Arts Commission.

Motion/second: Vice Mayor Gomez/Councilmember Giordano

Motion carried by a vote of: AYES: 5  
NOES: 0

## 7. Library Governance Study

Principal Administrative Analyst Cindy Maxwell presented the report to the City Council. A study was completed on governing structures for the new library to be built in Milpitas. The City hired a consultant (Ruth Meitz) who would make the presentation. This information was previously presented to the Finance Subcommittee, which agreed with the recommendations; reviewed by the Council's Library Subcommittee, and the Library Advisory Commission, which also agreed with the findings.

Based on the findings of the consultant and the report, City staff recommended that Milpitas remain in the Santa Clara County Library System, as a member of the Joint Powers Authority.

Ruth Metz and Jeannie Goodrich from Ruth Metz Associates. The women reviewed in detail, with a power point overhead display, the findings of the consultant study, explaining that there were five structural models for libraries in the U.S. Only two were practical for Milpitas: detach from the County JPA to create a separate municipal library, or remain as a part of the County library system.

An informational handout comparing the costs for county v. City library, with five cost areas reviewed in detail, was distributed to the Council, and explained.

Councilmember Livengood asked several questions about the 50% non-Milpitas residents using the local community library.

Councilmember Polanski remarked that the study validated what she already knew; it was good report, with our daytime population up to 100,000+ people in the City, . Not feasible financially to have City operate library on its own

Councilmember Giordano already had seen this presentation twice before. She felt the "Costco" idea for library service was efficient (share among large volume of inventory), and was glad the study was done.

Mayor Esteves thanked consultants for the study and its detail information reported. Most of the information was something he already knew, and that was why he voted no on the expense of this study from the beginning. He identified questions he'd like answered, such as, should Milpitas have some branch library locations perhaps (multiple sites or mobile library).

Mr. Livengood departed the Chambers prior to the vote on the library report.

Motion: confirm that the City of Milpitas remain in the existing Santa Clara County Library system governed by a Joint Powers Authority

Motion/Second: Councilmember Giordano/Councilmember Polanski

Motion carried by a vote of: AYES: 4  
NOES: 0  
ABSTAIN: 1 (Livengood)

Mayor Esteves announced that the City Council would take a break at 9:56 PM for 10 minutes.



## **JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING**

- RA 1. CALL TO ORDER** Mayor/Agency Chairman Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 10:06 PM.
- RA 2. ROLL CALL** **PRESENT:** Mayor/Chair Esteves, Vice Mayor/Vice Chair Gomez and Agency/Councilmembers Giordano, Livengood and Polanski.
- Mr. Livengood and Mr. Gomez entered the meeting Chambers at 10:07 PM.
- ABSENT:** None
- RA 3. MEETING MINUTES** Motion: approve the Redevelopment Agency minutes of June 20, 2006, including joint meetings with the City Council, as submitted.
- Motion/Second: Agency/Councilmember Giordano / Agency/Councilmember Polanski
- Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Livengood and Gomez)
- RA 4. Approval of Agenda and Consent Calendar** Motion: approve the agenda and RDA consent calendar
- Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski
- Motion carried by a vote of: AYES: 3  
NOES: 0  
ABSENT: 2 (Livengood and Gomez)
- RA 5. Progress Report on Library and East Parking Garage** CIP Projects Manager Mark Rogge discussed the new Library and the Parking Garage projects in the Milpitas Mid-Town.
- Recently, there were three bidders for the construction of the parking garage and DevCon was low bidder for the MidTown East Parking Garage. Change Order authority was requested for this project.
- Staff inquired if the Council/RDA wished to hold a groundbreaking ceremony for the parking garage. If so, September would be the appropriate time, on a Saturday morning. He discussed the "Good Neighbor Program" now in effect to encourage contractors and workers to shop and eat locally in Milpitas, in the MidTown area.
- Councilmember Giordano felt there was no need for a groundbreaking for the parking garage, while she did support one for the Library. Mr. Rogge replied that the groundbreaking for the library would be extra special.
- Councilmember Polanski liked the idea of a ceremony for the garage.
- Motion: approve the following three staff recommendations:
1. Award Construction Contract for the Midtown East Garage, Project No. 8161, to the lowest responsive bidder, Devcon Construction, Inc., in the amount of \$9,008,119.
  2. Authorize staff to execute time-critical change orders for the North Main Street Development Projects, provided that the change orders do not exceed the amounts established in the Cost Plan for each project or do not require additional appropriation.
  3. Receive the progress report on the Library and Midtown East Parking Garage.
- Motion/Second: Agency/Councilmember Livengood / Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

**RA 6.** 2005-2010 Redevelopment Implementation Plan

Economic Development Director Diana Whitecar reviewed the plan for the RDA/ Council, providing an overview of what she had described to the elected officials on past occasions.

Mayor Esteves opened the public hearing for comments; none heard.

(1) Motion: close public hearing

Motion/Second: Agency/Councilmember Polanski/ Agency/Councilmember Giordano

motion carried by a vote of:

AYES: 5

NOES: 0

(2) Motion: adopt 2005-2010 Redevelopment Implementation Plan

Motion/Second: Agency/Councilmember Giordano/ Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

**RA 7.** Merger of the  
Redevelopment Project Area No.  
1 and the Great Mall  
Redevelopment Project Area

Economic Development Manager Diana Whitecar introduced this subject by displaying a slide with the delineated outlines of the two existing RDA areas: Area No. 1 and the separate RDA Great Mall Area.

She noted that there were some specific details about signs required in order to merge RDA areas (noted in the staff report). Planning toward the future, maybe 30 years from now, \$1.6 billion dollars for implementation over those years would be spent on redevelopment efforts in the combined area.

Councilmember Polanski stated she thought the merger would help automobile dealers along Interstate 880; and she provided comments to staff about existing signs along that freeway, in consideration for future Great Mall signs. Staff agreed new signs were needed, that the Great Mall was in favor of that, and staff would work with other businesses for sign improvement in that end of Milpitas.

Vice Mayor Gomez inquired what findings were needed? Ms. Whitecar responded that substantial blight must be found, despite the fact that the state was changing what that exactly is defined as (physical, social, and other elements must be determined).

Mayor Esteves asked is this effort would be able to used to improve image of Milpitas? Staff responded affirmatively "absolutely. "

Motion:

1. Adopt Redevelopment Agency Resolution No. RA 261 approving the Preliminary Report for the proposed merger of Project Area No. 1 and the Great Mall Project Area, authorizing transmittal of the Report to the affected taxing entities, approving proposed Plan Amendments to the Redevelopment Plans for the Great Mall Project Area and Project Area No. 1, and authorizing transmittal of the proposed Plan Amendments to the affected taxing entities and to the Planning Commission.

2. Adopt City Council Resolution No. 7613 determining that a Project Area Committee is not required in conjunction with the merger of the Great Mall and Area No. 1 Redevelopment Project Areas

Motion/Second: Agency/Councilmember Polanski/ Agency/Councilmember Livengood

Motion carried unanimously by a vote of:

AYES: 5

NOES: 0

**RA 8.** Consulting Agreement  
with Noll & Tam Architects for  
Milpitas Senior Center

City Engineer Greg Armendariz introduced this topic.

Four topics would be discussed:

1. Project Team Organization: consists of City staff (Mr. Armendariz, Bonnie Greiner and Gail Seeds) and the City Council's Senior Center Subcommittee (Mayor Esteves and Councilmember Giordano)
2. Design Consultant selection process, presented by Gail Seeds – 6 proposals submitted
3. Consultant presentation by Noll & Tam Architects – Jeff Day, Project Manager
4. Project Schedule overview

Councilmember Livengood asked how costs for the consultant team were received, and reviewed; specifically, how the recommended consultant compared to other six firms. Staff responded Noll & Tam was the low bidder.

Mayor Esteves inquired where does computer technology expertise come in? Staff replied that an audiovisual and technology set was included on the consultant team.

Jeff Day from Noll & Tam, project manager for the Senior Center, provided some information on this project. His firm was founded in 1992 by experienced architects and consists of 25 architects who specialize in municipal buildings. He displayed examples of their work on screen, such as Santa Clara Community Center, Morgan Hill Community Recreation Center (with one wing for Senior Center), and the Fremont Family Resource Center,

Noll & Tam planned to work with TSMG Lauren Livingston for planning for the new Milpitas Senior Center.

Ms. Seeds described the scope of services, which included investigating existing conditions, conduct programming process, and design services, all of which totaled \$968,175 for the consultant contract.

Councilmember Giordano reported that the Subcommittee had discussed potential for some pre-construction to be done prior to the current Library being vacated. Mr. Armendariz replied that was unlikely, due to the loud noise and disruptive nature of construction on current library patrons.

Motion: Authorize the City Manager to execute a consulting services agreement with Noll & Tam Architects, in the amount of \$968,175, subject to approval as to form by the City Attorney

Motion/Second: Agency/Councilmember Giordano / Agency/Councilmember Polanski

Motion carried by a vote of:

AYES: 5

NOES: 0

**\*RA 9.** Negotiation with  
Piercey Auto. Group

Adopted Resolution No. RA 262 authorizing the Agency Executive Director, or his designee, to execute an Exclusive Negotiating Rights Agreement with Piercey Automotive Group substantially in the form presented to the Agency Board

**\*RA 10.** Annual Investment  
Policy

Adopted Redevelopment Agency Resolution No. RA 263 and City Council Resolution No. 7614, approving the annual investment policy for the City.

**\*RA 11.** Investment Portfolio  
Status Report

Received the investment report for the quarter ended June 30, 2006

**\*RA 12.** Negotiation with

Approved authorization to enter negotiations with Global Premier Development, Inc. to

Global Premier Development	provide Agency Financing assistance from its 20% Affordable Housing Set-Aside Fund
<b>*RA 13.</b> Amendment with CEL for Project No. 8161	Approved Amendment No. 1 to the Agreement with Consolidated Engineering Laboratories (CEL) for an amount not to exceed \$128,000 for special testing and inspection services for the Midtown East Parking Garage Project No. 8161
<b>*RA 14.</b> Change Order for Project No. 8153	Approved contract change order in the amount of \$84,287.50 to D'arcy Harty Construction, Inc. for the North Main Street Utilities, Project No. 8153

**RA 15. ADJOURNMENT** Chair/Mayor Esteves adjourned the Redevelopment Agency meeting at 11:04 PM.

**REPORT OF OFFICERS, COMMISSIONS AND COMMITTEES**

<b>6. CEPAC:</b> Ordinance Requiring Automatic Gas Shut-Off valves for Residences	Councilmember Polanski explained that this subject was raised at a recent Citizen Emergency Preparedness Advisory Commission meeting, when discussing the subject of residents' safety. The CEPAC requested to receive direction from the City Council on whether to pursue an ordinance requiring Automatic Gas Shut-Off Valves in Residences.
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Building Official Keyvan Irranejad provided some historical background on the devices. In 1995, this topic was brought to City Council then, post-Northridge earthquake. Meantime, two cities and Bay Area counties have adopted ordinances requiring these type of shut-off valves, for safety after an earthquake. There could be a seismic gas shut off valve (motion activated) or and excess flow shut off valve (when excess gas brought into your system) .

Fire Marshal Patricia Joki was supportive of the gas valves, for reduced gas flow after emergency, and thus less chance for fires.

Councilmember Giordano mentioned that one city made this requirement for a \$50,000 or more house re-model project. She compared that to Milpitas and asked questions about smoke detectors requirements of state building code laws.

CEPAC Commissioner Tim Howard spoke to the Council, stating that the cities of Pittsburg and Hercules newly adopted ordinances on these valves. Some data was provided, from Northridge earthquake about homes protected with these valves, and more was needed to be gathered, he agreed.

Motion: direct staff to review gas valve shut-off devices, for both new construction, sale of homes, remodeling, (with limited options) return to the City Council within three months to report findings

Motion/Second: Councilmember Polanski/Vice Mayor Gomez

Motion carried by a vote of:	AYES: 5 NOES: 0
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**NEW BUSINESS** Two items were adopted on the Consent Calendar.

**ORDINANCES**

<b>10.</b> Ordinance No. 262.3 amending Open Government	This item was not discussed, and was continued to the next Council meeting.
<b>11.</b> Ordinance 101.19 related to amending PERS agreement	This item was not discussed, and was continued to the next Council meeting.

**RESOLUTIONS** Six Resolutions were adopted on the Consent Calendar.

**BIDS AND CONTRACTS** Nine items were adopted on the Consent Calendar.

**CLAIMS AND DEMANDS**

Item was adopted on the Consent Calendar.

**ADJOURNMENT**

Mayor Esteves adjourned the meeting at 11:28 PM.

**Meeting minutes respectfully submitted by:**

**Mary Lavelle, City Clerk**